

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2015 MAY 28 PM 1:24

Jeffrey B. Fisher
Doreen A. Strothman
Virginia S. Inzer
William K. Smart
Carletta M. Grier
9440 Pennsylvania Avenue, Suite 350
Upper Marlboro, MD 20772

-Plaintiffs-

-VS-

Kimmy R. Cathey AKA Kim Cathey
6226 Joe Klutsch Drive
Fort Washington, MD 20744
-Defendants-

CLERK'S OFFICE
AT GREENBELT
BY kw. DEPUTY

Civil Case No.: 8:15-cv-1357-GJH

Judge George Jarrod Hazel

DEFENDANT STATEMENT OF CASE CONCERNING REMOVAL

NOW COMES Kimmy R Cathey, not an attorney and not well versed in law. The statements made herein are to address as follows:

Defendant submits this statement concerning removal (the "Statement") pursuant to this Court's Standing Order Concerning Removal dated 5/11/2015 (doc. No. 17):

- 1. The date which each defendant was served with a copy of the summons and complaint.**

The Defendant was served with a copy of the Order to Docket Residential Foreclosure on July 23, 2013.

2. In actions predicated on diversity of jurisdiction, an indication of whether any defendants who have been served are citizens of Maryland, and, for any entity that is not a corporation, the citizenship of all members.

- a. Pursuant to Local Rule 103.3 Defendant Kimmy R Cathey submit the following disclosure statement:

The Defendant is an individual, living human being. Defendant is not a corporation and do not have any parent corporation(s) or other affiliate of a corporation party.

No corporation, unincorporated association, partnership, or other business entity which is not a party to this matter is known to have a financial interest in the outcome of this litigation.

3. If removal takes place more than thirty (30) days after any defendant was first served with a copy of the summons and complaint, the reason why removal has taken place at this time and the date on which the defendant was first served with a paper identifying the basis for such removal.

This case was removed to this Court on 5/11/2015. Federal District courts have “original jurisdiction” over all “civil actions arising under the constitution, laws, or treatises of the United States” 28 U.S.C. § 1331. A “defendant” may remove to federal court “any civil action brought in a State court of which the district courts of the United States have original jurisdiction.” Removal is proper where “separated and independent” claims that arise under federal law are joined to otherwise non-removal claims. Id § 1441(c). Only a defendant to an action may remove a case under § 1441(a). *See Shamrock Oil & Gas*

corp. v. Sheets, 313 U.S. 100, 107-09 (1941). (strictly construing § 1441 and finding that the term applies to “defendant”).

4. **Identification of any defendant who was served in the state court action prior to the time of removal who did not formally join in the notice of removal and the reasons why such defendant did not join.**

Upon information gathered through original summons and complaint and personal belief no other defendants were served in the state court action prior to time of removal whom did not formally join in the notice of removal.

5. **Once the notice of removal is filed in the federal court, the removing defendant has to give notice to all adverse parties and must file its copy with the state court.**

Defendant having filed Notice of removal in District Court 5/11/2015 did serve notice upon plaintiff in state court as well as a motion to stay due to filing of Notice of removal with the Circuit Court For Prince George's that the case has been removed to the United States District Court For The District Of Maryland as evidenced by time stamped copy of Amended Notice of Removal, Amended Notice Of The Notice Of Removal and Amended Certificate Of Filing State Court Document dated May 12, 2015. The Case No. 15 cv 1357 has been assigned to JUDGE George Hazel docket. Furthermore now The United States District Court has superior jurisdiction over this case. With this being equal to the sum of what was stated on 05 14/2015 the scheduled sheriff sale was still conducted on 05/15/2015 even though the State court could not legally and lawfully ratify any sale as that State court on sheriff sale date was divested of jurisdiction to hold any sale upon notice removal of this case to United States District Court.

Respectfully Submitted,


Kimmy R Cathey
Relator / Plaintiff

Mailing Address: 938 East Swann Creek Road #108
Fort Washington, Maryland 20044
Email: kimmyfreedom123@gmail.com
Phone No.: 703-928-1015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, under penalties of perjury, that a true and correct copy of the foregoing Defendant Statement Of case Concerning Removal was furnished to the Plaintiffs attorney of record, via USPS first class mail on or about 5/29 2015 as follows: Jeffrey B Fisher, The Fisher Law Group, PLLC, 9440 Pennsylvania Avenue, Suite 350, Upper Marlboro, MD 20772.

Signed by

